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JUN 14 2001

MARY E. DANDREA, CLERK
Per Deputy ClerkUNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

PAUL LEE,

Plaintiff

v.

Civil No. 1:CV-00-00486
(Kane, J.)UNITED STATES OF AMERICA, et al.,
DefendantsDEFENDANTS' REPLY BRIEF RE THEIR
MOTION TO STRIKE PLAINTIFF'S BRIEFIntroduction

This is a prisoner case brought by Paul Lee, a federal prisoner originally confined at FCI Allenwood. The case presents a FTCA tort claim and a mandamus claim by Lee concerning medical care regarding his left hip and the allegedly inadequate bedding/mattress provided by the BOP.

On January 29, 2001, defendants filed a motion to dismiss and for summary judgment. The defendants' supporting brief and materials were filed on February 12, 2001. After various extensions of time, on or around April 10, 2001, Lee filed his brief in opposition to the defendants' dispositive motion, captioned "Plaintiff Paul Lee's Memorandum and Evidence in Opposition to the Motion to Dismiss or for Summary Judgment."

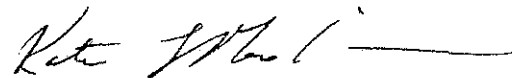
In that Lee's opposition brief was signed with a mark, "/s/", defendants moved to strike Lee's opposition brief due to Lee's failure to sign the brief as required by Fed. R. Civ. P. 11.

In response to the motion to strike, Lee filed a brief stating that he had only signed the brief he had filed with the Court. Rather than sending the undersigned an exact copy of the brief he filed with the Court, however, Lee sent the undersigned a copy of the brief signed with just a mark of "/s/". Lee further claims that he uses Chrissy's News "to conduct research, typing, service, and mailing."

In light of Lee's assertion that he signed the original brief, it appears that the motion to strike should be denied. But Lee, in the future, should send defense counsel exact copies of what he files with the Court to prevent this confusion from occurring. Such a request does not appear to be difficult in that Lee has a company, Chrissy's News, do his copying and service for him.¹

Respectfully submitted,

MARTIN C. CARLSON
United States Attorney



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Date: June 14, 2001

¹ We do note that it is interesting that Lee is able to pay for research, typing, and copying services while proceeding in *forma pauperis*.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

PAUL LEE, :
Plaintiff :
v. : Civil No. 1:CV-00-00486
UNITED STATES OF AMERICA, et al., : (Kane, J.)
Defendants :

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

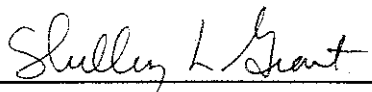
That on June 14, 2001, she served a copy of the attached

DEFENDANTS' REPLY BRIEF RE THEIR
MOTION TO STRIKE PLAINTIFF'S BRIEF

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

Addressee:

Paul Lee
Reg. No. 01656-087
FCI Elkton
P.O. Box 89
8730 Scroggs Road
Elkton, Ohio 44415


SHELLEY L. GRANT
Paralegal Specialist